

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FRESNEL FRANCOIS WILLIAMS,

Plaintiff,

v.

MEGAN HAMEL, et al.,

Defendants.

CASE NO. 3:25-CV-5066-TL-DWC

REPORT AND RECOMMENDATION

Noting Date: April 30, 2025

The District Court has referred this action filed pursuant to 42 U.S.C. § 1983 to United States Magistrate Judge David W. Christel. This matter is on review after Plaintiff Fresnel Francois Williams, proceeding *pro se*, failed to cure his initial filing deficiencies, pay the filing fee, or respond to the Court's show cause order regarding the same. *See* Dkt. 5.

Plaintiff initiated this action on January 24, 2025, by filing an application to proceed *in forma pauperis* ("IFP"), a proposed civil rights complaint, and a letter requesting additional time to obtain a copy of his prison trust account statement. Dkts. 1, 1-1, 1-2. Plaintiff did not pay the \$405.00 filing fee at that time. Thus, the Clerk of Court notified Plaintiff that his failure to pay the filing fee or submit a completed IFP application with a copy of his prison trust account statement by February 27, 2025, could result in dismissal of his action. Dkt. 2. That deadline

1 elapsed with no filing fee or completed IFP application received from Plaintiff, who instead filed
2 an additional letter discussing continued difficulties in obtaining a copy of his prison trust
3 account statement. Dkt. 4.

4 Given Plaintiff's reported difficulties in obtaining the required documents, the Court
5 directed Plaintiff to complete his IFP application not later than April 10, 2025, by either filing (1)
6 a certified copy of his prison trust account statement or (2) a sworn declaration and supporting
7 evidence detailing the efforts he has taken to obtain a certified copy of his prison trust account
8 statement and the outcome of those efforts. Dkt. 5. Plaintiff was advised that failure to respond
9 by the stated deadline would result in a recommendation this action be dismissed for failure to
10 pay the filing fee and failure to comply with a court order. *Id.* The deadline for Plaintiff to
11 respond to the Court's show cause order and cure his initial filing deficiencies has now elapsed
12 with nothing received from him. *See docket.*

13 Accordingly, the undersigned recommends this action be dismissed without prejudice for
14 failure to pay the filing fee and failure to comply with a court order.

15 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
16 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
17 Report and Recommendation is signed. Failure to file objections within the specified time may
18 affect your right to appeal. Objections should be noted for consideration on the District Judge's
19 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may
20 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be
21 ready for consideration by the District Judge on **April 30, 2025**.

22 Dated this 15th day of April, 2025.

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David W. Christel
United States Magistrate Judge